UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

MIDWEST EMPLOYERS)	
CASUALTY COMPANY,)	
)	
Plaintiff,)	
)	
VS.)	Case No. 4:07CV870 CDP
)	
LEGION INSURANCE,)	
COMPANY (in liquidation),)	
)	
Defendant.)	

ORDER

Midwest Employers has moved to strike an exhibit filed by Legion in Legion's opposition to Midwest Employers' summary judgment motion. Having reviewed the parties' arguments on this issue, I conclude that the exhibit is privileged and falls within the provisions of the agreed protective order in this case. I will therefore grant Midwest Employers' motion. Exhibit 75 to Legion's statement of facts [Docket No. 60-8, Exhibit 75] is deemed stricken. The exhibit will remain under seal in the court's file so as to maintain a complete record in this case. Consistent with the parties' agreement, Legion is directed to return or destroy all copies of the document and any notes with respect thereto.

¹Although the exhibit was filed in support of Legion's response to Midwest Employers' summary judgment motion, the Court did not consider the exhibit in ruling on the motion for summary judgment.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion [#67] to strike the privileged exhibit is GRANTED to the extent set forth above.

CATHERINE D. PERRY

UNITED STATES DISTRICT JUDGE

Dated this 8th day of July, 2009.